

1 JAMES A. McDEVITT  
United States Attorney  
2 WILLIAM H. BEATTY  
Assistant United States Attorney  
3 P.O. Box 1494  
Spokane, Washington 99210-1494  
4 Telephone: (509) 353-2767  
Fax: (509) 353-2766  
5  
6

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAY 02 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

Plaintiff,

10 vs.

11 George R. Davis aka George Davis  
12 and Diane K. Davis,

13 Defendants.

NO. CV-04-3129-RHW

JUDGMENT AND DECREE  
OF FORECLOSURE

14 Plaintiff's Application for Judgment and Decree of Foreclosure upon  
15 Order of Default having come on for consideration; the defendants George R.  
16 Davis aka George Davis and Diane K. Davis, being in default and their default  
17 having been entered; and the Court being fully advised in the premises,

18 IT IS ORDERED, ADJUDGED, and DECREED as follows:

19 I.

20 Plaintiff is awarded judgment against defendants George R. Davis aka  
21 George Davis and Diane K. Davis in the amount of \$63,733.86 (\$53,311.25  
22 principal and \$10,422.61 interest accrued through June 30, 2004); plus interest  
23 to accrue at the rate of \$9.8589 per day from and after June 30, 2004, to the date  
24 of judgment; plus interest from the date of judgment at the legal rate until paid  
25 in full; plus the costs of suit, including the filing fee allowed pursuant to 28  
26 U.S.C. § 2412(a)(2).  
27

28 JUDGMENT AND DECREE OF FORECLOSURE - 1  
F50215kd.WHB2davis

## II.

The debt upon which this judgment is based is secured and perfected by the following: (1) a real estate mortgage recorded on October 11, 1994, under Auditor's File No. 3069369, Official Records of Yakima County, Washington, and (2) a security agreement within the mortgage covering irrigation equipment appurtenant to the mortgaged real property, which security agreement was perfected by a financing statement recorded October 11, 1994, as Auditor's File No. 3069371, with a continuation statement, recorded June 22, 1999, as Auditor's File No. 7123178, records of Yakima County, Washington.

## III.

The foregoing real estate mortgage, security agreement, and financing statement cover the following described property situated in Yakima County, State of Washington:

REAL PROPERTY

The Southeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 10 North, Range 18, E.W.M.;

EXCEPT that portion lying Westerly of the Simcoe Creek as the same existed on May 6, 1965;

AND EXCEPTING Parcel A, described as follows:

Beginning at the Northwest corner of said subdivision;

thence South 0°20'19" East, along the West line thereof, 315.01 feet;

thence South 38°43' East, 528.23 feet;

thence North 11°41' West, 742.41 feet to the North line of said subdivision;

thence North 89°57'37" West, along said North line 181.91 feet to the point of beginning.

and the following-described irrigation equipment appurtenant to the real property:

200' 6" PVC Buried Mainline  
500' 6" Aluminum Portable Mainline  
300' 5" Aluminum Portable Mainline  
300' 4" Aluminum Portable Mainline  
2520' 3" Aluminum Handlines  
1320' 4" Western Wheel Line  
Cornell Irrigation Pump - SN #27998-6

Plus any miscellaneous valves, tees, and fittings, any replacement of, or addition to the system.

## IV.

Said real estate mortgage, security agreement, and financing statement, which constitute first and prior liens upon the property described therein, are hereby foreclosed and defendants George R. Davis aka George Davis and Diane K. Davis and all persons claiming by, through or under them are forever barred and foreclosed from asserting any right, title, or interest in and to said property, except for the statutory rights of redemption allowed by the laws of the State of Washington, and said property is hereby ordered sold in the manner provided by law with the proceeds of such sale to be applied to the expenses thereof, and then in satisfaction of the sums adjudged to be due plaintiff herein.

V.

Any party to this suit may become a purchaser at such sale.

/// //

/// //

/// //

/// //

/// //

///

/// //

/// //

11/11

///

/// //

///

VI.


The plaintiff shall not have a deficiency judgment in the event the sum received from the sale is insufficient to pay the judgment in full.

DATED this 2 day of May, 2005.

  
\_\_\_\_\_  
ROBERT H. WHALEY  
United States District Judge

Presented by:

JAMES A. McDEVITT  
United States Attorney

  
\_\_\_\_\_  
s/ William H. Beatty  
William H. Beatty  
Assistant United States Attorney  
Attorney for Plaintiff  
United States Attorney's Office  
Post Office Box 1494  
Spokane, Washington 99210-1494  
(509) 353-2767(Tel)  
(509) 353-2766(Fax)  
USA-WAE-WBeatty